

am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,357	09/26/2003	Hui-Hu Liang	BHT-3110-162	5272

7590 04/04/2006
 TROXELL LAW OFFICE PLLC
 SUITE 1404
 5205 LEESBURG PIKE
 FALLS CHURCH, VA 22041

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2629

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,357

Applicant(s)

LIANG, HUI-HU

Examiner

Kimnhung Nguyen

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This application has been examined. The claims 1-3 are pending. The examination results are as following.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, the phrase "with possible shapes" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

For the purpose of this Office Action, the Examiner assumes the phrase "with possible shapes" should change to -- to form shapes--.

Claim 3, the phrase "can be shapes" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because for the purpose of this Office Action, the Examiner suggests that fig. 2, the element 15 is changed to 14. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

Art Unit: 2629

drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Boldin (US 2006/0033714).

As to claim 1, Boldin discloses in fig. 1, a hot-key mouse (mouse 100, fig. 1) has the characteristics that those hot keys (buttons 129, 130) with pre-defined functions (see 0053, lines 16-19) are positioned between the left and the right mouse buttons of the mouse (100, because we considered when the two keys 129, 130 reached on top of the primary buttons 105 and 106, therefore the keys 129 and 130 are positioned between left and right mouse buttons 105, 106) and adjacent to a scroll wheel (123); those hot keys are appropriately positioned adjacent to the scroll wheel (123); a state of having the hot keys in the middle of both the left and the right mouse buttons is formed (because we considered when the two keys 129, 130 reached on top of the primary buttons 105 and 106, therefore the two keys 129, 130 would be in the middle of both the left and the right of primary buttons 105 and 106, fig. 1), thereby the hot keys and the

Art Unit: 2629

left and the right mouse buttons do not influence with one another to fit either a left or a right hand user for convenient navigation (because the keys 129, 130 and right, left primary buttons 105, 106 having different positions and functions, therefore, they do not interfere with each other).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boldin (US 2006/0033714).

As to claim 2, Boldin disclose the hot keys (129, 130) are positioned adjacent to the scroll wheel as discussed above. Boldin does not disclose the hot keys to perform shapes of radiated petals, in order to add an overall artistic effect on the mouse.

However, Boldin teaches the hot keys are formed of shapes of the distal phalange of the user's index finger and user's middle finger, respectively (see 0055, lines 7-10, this feature related to the shapes of radiated petals as claimed by the invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utility the hot keys are formed of shapes of the distal phalange as taught by Boldin for user's index finger and user's middle finger, respectively, because this would conform to an interior portion of the distal phalange of the index finger or the user's middle finger contacts a portion of the upper surface of the additional button when the user's index

Art Unit: 2629

finger or the user's middle fingertip is placed on the respective mould-formed contact area (see 0055, lines 6-14)), thus the shapes of the distal phalange also to add an over artistic effect on the mouse.

As to claim 3, Boldin does not express the several hot keys shaped as irregular geometrical shapes.

However, Boldin teaches the hot keys are formed of shapes of the distal phalange of the user's index finger and user's middle finger, respectively (see 0055, lines 7-10, this feature related to the key shaped as irregular geometrical shapes as claimed by the invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utility the hot keys are formed of shapes of the distal phalange as taught by Boldin for user's index finger and user's middle finger, respectively, because this would conform to an interior portion of the distal phalange of the index finger or the user's middle finger contacts a portion of the upper surface of the additional button when the user's index finger or the user's middle fingertip is placed on the respective mould-formed contact area (see 0055, lines 6-14), thus the shapes of the distal phalange also to add an over artistic effect on the mouse.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

Art Unit: 2629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kimnhung Nguyen
Patent Examiner
March 30, 2006